

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION**

Demetrius Alexander Brown,)
)
)
Plaintiff,) Civil Action No. 4:22-cv-164-TMC
)
)
vs.) **ORDER**
)
)
State of South Carolina; Supreme Court)
of South Carolina; Sumter County Court)
of General Sessions; Sumter County)
Court of Common Pleas; and Sumter)
County Solicitor's Office,)
)
)
Defendants.)
)

Plaintiff Demetrius Alexander Brown, a state pretrial detainee proceeding *pro se* and *in forma pauperis*, brought this civil action pursuant to 42 U.S.C. § 1983 seeking declaratory and injunctive relief, including an order directing a state court to “hear [his] pretrial pro se motions as soon as practical” in his ongoing state criminal proceedings; an order directing a state court to grant his motion to proceed *in forma pauperis* in connection with state civil proceedings challenging the conditions of his confinement; an order requiring the office of a state prosecutor to expunge certain state convictions from his record; an order requiring the office of a state prosecutor to “correct [his] file and records in [the] DMV”; and an order directing the State of South Carolina to “accept” his motion under the Interstate Agreement on Detainers. (ECF No. 10 at 21–23).

In accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(e) (D.S.C.), this matter was referred to a magistrate judge for all pretrial proceedings. On February 17, 2022, the magistrate judge entered a Report and Recommendation (“Report”), concluding that “Plaintiff

has failed to state a claim upon which relief could be granted as to the Defendants. Plaintiff was already informed that Defendants were not persons under § 1983 and were subject to summary dismissal. Thus, Plaintiff's action is subject to summary dismissal." (ECF No. 15 at 6). The magistrate judge, therefore, recommended that the court summarily dismiss this action with prejudice and without issuance and service of process and that the court deny all pending motions as moot. *Id.* Plaintiff was advised of his right to file objections to the Report and of the consequences of failing to do so in a timely fashion. *Id.* at 7. On March 11, 2022, the Report was mailed to Plaintiff at the updated address he provided the court, (ECF Nos. 17; 20), and it has not been returned as undeliverable. Thus, Plaintiff is presumed to have received it. Nevertheless, Plaintiff filed no objections, and the time to do so has now run.

The magistrate judge's recommendation has no presumptive weight, and the responsibility for making a final determination remains with the United States District Court. *Wimmer v. Cook*, 774 F.2d 68, 72 (4th Cir. 1985) (quoting *Mathews v. Weber*, 423 U.S. 261, 270–71 (1976)). Nevertheless, “[t]he district court is only required to review *de novo* those portions of the report to which specific objections have been made, and need not conduct *de novo* review ‘when a party makes general and conclusory objections that do not direct the court to a specific error in the magistrate judge’s proposed findings and recommendations.’” *Farmer v. McBride*, 177 Fed. App’x 327, 330–31 (4th Cir. April 26, 2006) (quoting *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982)). The court may accept, reject, or modify, in whole or in part, the recommendation made by the magistrate judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1). However, in the absence of specific objections to the Report and Recommendation, this Court is not required to give any explanation for adopting the recommendation. *Greenspan v. Brothers*

Prop. Corp., 103 F. Supp. 3d 734, 737 (D.S.C. 2015) (citing *Camby v. Davis*, 718 F.2d 198, 199–200 (4th Cir. 1983)).

Having thoroughly reviewed the Report and the record under the appropriate standards and, finding no clear error, the court **ADOPTS** the Report in its entirety (ECF No. 15), and incorporates it herein. Accordingly, this action is **DISMISSED** with prejudice and without issuance and service of process. The court **DENIES** any and all pending motions as **MOOT**.

IT IS SO ORDERED.

s/ Timothy M. Cain
United States District Judge

Anderson, South Carolina
May 6, 2022

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.